

REMARKS

Claims 19-39 have been canceled in favor of Claims 40-41, as amended, and new Claims 42-58, which depend from Claim 40. The amendments and new claims find support in the claims and specification as originally filed, and no new matter is believed to be added.

Rejection Under 35 U.S.C. § 102(e)

The Applicants acknowledge the anticipation rejection over U.S. Patent No. 6,355,421 to Coull et al. This rejection is traversed. Coull et al do not anticipate the kit as claimed for at least the reason that Coull et al do not disclose or suggest a J-aggregate fluorescent polymer.

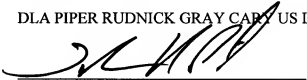
A Declaration of Dr. Frauke Rininsland is attached. As is clear from Dr. Rininsland's Declaration, none of the donor or acceptor molecules disclosed in Coull et al are J-aggregate fluorescent polymers. Accordingly, the Coull et al disclosure does not anticipate the claims. The Applicants kindly request that this ground of rejection be withdrawn.

Conclusion

This application is ready for allowance. Should the Examiner have any questions regarding this application, or have any suggestions for placing it into even better condition for allowance, he is kindly invited to telephone the Applicants' below-signed representative at the number below.

Respectfully submitted,

DLA PIPER RUDNICK GRAY CARTY US LLP


John K. Pike, Ph.D.

Registration No. 41,253

1200 Nineteenth Street, N.W.
Washington, D.C. 20036-2412
Telephone No. (202) 861-3900
Facsimile No. (202) 223-2085